HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 9778 OF 2002

Dated 5th July, 2006

Between:
M.S.Kalaivannan

… Petitioner

And

Deputy Transport Commissioner & Secretary,
Regional Transport Authority, Chittoor,
Chittoor District and others.

… Respondents

ORDER:

This writ petition is filed to declare the action of the respondents in seizing the vehicle of the petitioner bearing Registration No. TN.23/N.0485, which is being run on Stage Carriage Permit, pursuant to Vehicle Check Report No.548461, dated 17.5.2002 as illegal and arbitrary and consequently to direct the respondents to release the said vehicle to the petitioner.

The vehicle check report filed along with the material papers annexed to the writ petition discloses that the petitioner has valid licence under the provisions of the Motor Vehicles Act and the A.P. Motor Vehicles Taxation Act. But, on the ground that the vehicle was plying in the route other than the authorized, and that the permits have not been produced, the vehicle was seized. At the stage of admission of the writ petition, this court granted interim order to release the vehicle of the petitioner on petitioner depositing an amount of Rs.3000/-.

With regard to the alleged violations, it is for the competent authority to enquire into the matter. In that view of the matter, I dispose of the writ petition directing that the deposit of Rs.3000/- made by the petitioner shall be subject to the final orders by the competent authority. However, as the writ petition is of the year 2002 and no counter affidavit is filed, it is open for the respondent-authority to pass appropriate final orders, if not already passed, by following the procedure prescribed under the Motor Vehicles Act, A.P. Motor Vehicles Taxation Act and the rules made thereunder. No costs.

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5.7.2006

(R.SUBHASH REDDY, J.)

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